

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PEARL A. KATHAN,

Plaintiff,

Case No. 11-12168

v.

Hon. John Corbett O'Meara

T.H. MARSH CONSTRUCTION CO.,

Defendant.

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ORDER OF PARTIAL DISMISSAL

On May 17, 2011, Plaintiff filed her complaint alleging violations of the Age Discrimination in Employment Act ("ADEA") and the Elliott-Larsen Civil Rights Act ("ELCRA"). Plaintiff does not allege that diversity jurisdiction exists. Although the ADEA claim is cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations present a claim based on state law. This court declines to exercise supplemental jurisdiction over Plaintiff's state law claim so as to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Accordingly, IT IS HEREBY ORDERED that Count II of Plaintiff's complaint is DISMISSED.

s/John Corbett O'Meara
United States District Judge

Date: July 1, 2011

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, July 1, 2011, using the ECF system.

s/William Barkholz
Case Manager